

Docket No. 12503/371003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Sanford Redmond

SERIAL NO. : 10/676,162

FILED : October 2, 2003

FOR : FILM FOR DISPENSER PACKAGE IN THE FORM OF A  
POUCH WITH A FLAP (as amended)

GROUP ART UNIT : 3754

EXAMINER : Unassigned

M.S. Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION IN RESPONSE TO  
NOTICE OF OMITTED ITEM(S)**

Sir:

The Applicant respectfully submits this Petition in response to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed December 31, 2003.

The Notice indicates that Figures 76-78 were missing from the application papers filed October 2, 2003. The post card receipt from the PTO indicates that the application papers filed October 2, 2003 included both: (1) 40 sheets of drawings (informal), and (2) 41 sheets of formal drawings. A copy of that post card receipt is enclosed.

Enclosed are copies of the following papers as filed with the application on October 2, 2003: (1) the 40 sheets of informal drawings, and (2) the 41 sheets of formal drawings. As can be seen, both of these sets of drawings include Figures 76-78.

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Thus, in accordance with option I of the Notice, the Applicant respectfully submits that Figures 76-78 were in fact deposited with the nonprovisional application papers.

A copy of the Notice is enclosed.


The Commissioner is authorized to charge the \$130.00 petition fee to Deposit Account No. 11-0600. However, in accordance with option I of the Notice, the Applicant respectfully requests a refund of that fee if it is determined that Figures 76-78 were received by the PTO.

Respectfully submitted,

KENYON & KENYON

Dated: January 13, 2004

By:



Douglas E. Ringel

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/676,162	10/02/2003	Sanford Redmond	12503/371003

23838  
 KENYON & KENYON  
 1500 K STREET, N.W., SUITE 700  
 WASHINGTON, DC 20005



CONFIRMATION NO. 6694

## FORMALITIES LETTER



\*OC000000011591961\*

Date Mailed: 12/31/2003

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **76-78** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

AG

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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The stamp of the Patent Office may be taken as acknowledging the receipt on the date stamped, of

**CONTINUATION PATENT APPLICATION**  
INVENTOR(S): Sanford Redmond  
SERIAL NO.: Continuation of 10/189,595, filed July 8, 2002  
FILED: Herewith  
TITLE: **FILM FOR DISPENSER PACKAGE IN THE FORM OF A POUCH WITH A FLAP**

The PTO is authorized to charge any fees regarding this filing to Deposit Account No. 11-0600.

**PAPERS FILED:**

1. FEE TRANSMITTAL (in duplicate)
2. UTILITY PATENT APPLICATION TRANSMITTAL
3. SPECIFICATION (51 pages)
4. DRAWINGS (40 sheets)
5. DECLARATION (6 pages)(copy)
6. PRELIMINARY AMENDMENT
7. SUBMISSION OF FORMAL DRAWINGS (41 sheets)
8. INFORMATION DISCLOSURE STATEMENT with PTO FORM 1449, no references
9. POWER OF ATTORNEY (copy)

15535 U.S. PTO  
10/676162



Douglas E. Ringel/vjw

12503/371003

October 2, 2003